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SUBJECT: SUDANESE GOVERNMENT TAKES STEPS TO IMPLEMENT THE U.S.
SPECIAL ENVOY'S FRAMEWORK

REF: A) KHARTOUM 555
B) KHARTOUM 554
C) KHARTOUM 210

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SUMMARY

¶1. (SBU) Following Special Envoy Gration's negotiations with the National Congress Party (NCP) in early April, the Sudanese government appears to have taken several positive steps toward improving the environment for humanitarian operations in Sudan. In an April 16 ministerial decree, the government reaffirmed its commitment to previous agreements, including the 2007 Joint Communique, and further agreed to issue one-year, multiple re-entry visas to all non-governmental organization (NGO) staff with resident permits. To monitor state-level compliance with the decree, the Government of National Unity (GNU) Humanitarian Aid Commission (HAC) has sent teams to the three Darfur states. In addition, Sudanese Presidential Advisor Dr. Ghazi Salahudin informed CDA Fernandez that the GNU Minister of State for Humanitarian Affairs Ahmed Haroun traveled to Darfur to ensure the federal-level decree was fully implemented and followed at the state-level in Darfur. Salahudin plans to meet with international NGO representatives in Khartoum April 30 to discuss improvements in the operating environment.

¶2. (SBU) While the government appears to have made significant strides in addressing procedural issues under the decree, new NGO registration is proceeding at a slower pace, due mostly to the fact that the new (and reconstituted) NGOs still have not traveled to Khartoum to work out the details of their new registrations. However, during the week of May 4, senior headquarters officials from three NGOs and one senior USAID/Washington official plan to meet in Khartoum to discuss the registration of new NGOs with Sudanese government officials. As new NGOs work to clarify the registration process, UN agencies, GNU ministries, and remaining NGOs have already expanded some activities and areas of operation to address gaps in humanitarian assistance. END SUMMARY

Moving Forward on Commitments

¶3. (SBU) During the previous two weeks, the Sudanese government appears to have taken some steps toward fulfilling commitments under the April 10 framework negotiated between the Special Envoy and the NCP regime. Compared to non-fulfillment of numerous previous agreements, the Sudanese government seems eager to express its willingness to implement the Special Envoy's framework, exemplified by the government's recent attempts to enforce the federal-level ministerial decree at the state-level. In addition, Presidential Advisor Dr. Ghazi Salahudin's plans to convene a meeting with all NGOs registered in Sudan on April 30 represents a significant step in improving interaction and communication between the government and NGOs. According to NGO staff, the meeting constitutes the highest-level interaction between the Sudanese government and NGOs in approximately two years.

¶4. (SBU) On April 16, the GNU Ministry of Humanitarian Affairs issued a thirteen-point decree addressing bureaucratic impediments to program implementation in Darfur. According to the decree, the GNU will immediately grant one-year, multiple re-entry visas to all NGO staff registered in Sudan with valid resident permits. During previous discussions, UN D/SRSG for Humanitarian Affairs Ameerah Haq noted that the issuance of one-year, multiple re-entry visas for all staff represented a key test of the government's commitment to improving the operating environment. UN/OCHA staff further affirmed that the issuance of one-year, multiple re-entry visas constituted a positive step in improving staff morale and program operations. Prior to negotiations with the Special Envoy, the GNU had agreed to issue one-year, multiple re-entry visas only to NGO chiefs of party and families under the 2007 Joint Communiqué. Since 2007, the UN has requested the GNU to extend these visas to all NGO staff registered in Sudan with valid resident permits. Following the issuance of the decree, the GNU HAC Joint Procedures Center (JPC)

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announced that NGOs could begin applying for the one-year, multiple re-entry visas. (Note: Several NGOs have recently applied for the visas, so we should know soon if the new system is actually working. End note.) The GNU also reaffirmed its commitment under the 2007 Joint Communiqué to issue initial entry visas for NGO staff assigned to Darfur within 48 hours of submission to Sudanese Embassies.

¶5. (SBU) According to the decree, all registered NGO staff working in Darfur can travel to and from Darfur states using only the GNU HAC identification card and do not require travel permission or notification. In addition, the GNU committed to complete all Darfur technical agreements (TAs) for NGOs to work in Darfur on or before April 30. According to NGOs, the GNU HAC has already sent teams to the three Darfur states to accelerate approval of TAs. In addition, the GNU State Minister for Humanitarian Affairs Ahmed Haroun traveled to Darfur to explain the decree and other developments to state-level officials. As of April 22, the GNU HAC had approved 14 of the 71 TAs submitted in Darfur. The GNU HAC's action in ensuring that states actually implement federal-level decrees constitutes a new and welcome departure from previous proceedings. Under former agreements, the government made commitments but did not enforce the agreements within the states.

¶6. (SBU) To monitor progress, the government also committed in the decree to submit weekly performance reports, complete the data base system to follow fast track procedures, and submit monthly reports on progress of fast track procedures through the JPC. According to OCHA staff, while the JPC tracks data on NGO procedures, the agency has not previously disseminated progress reports or analysis on procedural issues. OCHA staff note that the provision of timely data on procedures would help to improve reliability in the operating environment and provide a clearer picture of the issues that NGOs face.

¶7. (SBU) Although the decree represents a positive step, a significant limitation of the document is that it only applies to Darfur. The framework negotiated by the Special Envoy and the NCP included Darfur and the Three Areas (Abyei, Southern Kordofan State, and Blue Nile State). To achieve full compliance, the Sudanese government must either modify the April 16 decree to include the

Three Areas or issue an additional decree specifically on the Three Areas; our understanding is that the government intends to issue an additional decree for the Three Areas.

¶18. (SBU) On April 25 and 26, USAID and partner NGOs reported that the Sudanese government had issued visas to four international staff of three expelled organizations - in order to facilitate the travel of these staff to Khartoum for technical discussions with the government over the return of the organizations with new names. According to USAID partners Save the Children/U.S. (SC/US) and CARE, the GNU issued two visas to international staff not previously working in Sudan under the organizations' existing names. The government also issued two former PADCO-AECOM staff two-month visas under the organization's new name. To date, the government has denied one visa request on the grounds that the NGO was expelled.

¶19. (SBU) Per Ref A, on April 22, OCHA reported that the Sudanese government had returned most personal items seized from expelled humanitarian workers, such as laptops and iPods, in addition to handing over four of the five seized CARE warehouses. From mid-March to late April, the GNU HAC transferred control of Non-Food Item (NFI) Common Pipeline warehouses in Nyala, South Darfur, El Geneina, West Darfur, Khartoum, and El Obeid, Northern Kordofan State to the UN Joint Logistics Center (UN/JLC). The resumption of operations at the four warehouses represents a significant improvement in the capacity of humanitarian agencies to prepare for the May/June rainy season and respond to new and ongoing needs of displaced populations. At present, only the NFI warehouse in El Fasher, North Darfur, remains under Sudanese government control. In meetings with UN/JLC, the Sudanese government has committed to return all warehouses to the UN without preconditions, allow UN/JLC to manage the Common Pipeline for all partners, and provide UN/JLC and partners with unrestricted access to communities to distribute the commodities.

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¶10. (SBU) During the Special Envoy's visit, the U.S. Charge d'Affaires highlighted in high-level meetings with the Sudanese government the GNU HAC's seizure of 20,000 Sudanese pounds, or approximately 10,000 USD, from PADCO-AECOM as an example of the difficult operating environment in Sudan. On April 26, USAID reported that the GNU HAC had resolved the issue by agreeing to waive 20,000 Sudanese pounds from the organization's tax obligation, demonstrating the government's willingness to resolve issues that arise in discussions between the U.S. Government and the Sudanese government.

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Potential for New Organizations to Address Gaps
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¶11. (SBU) Nearly one month after negotiating the framework, one of the major issues - the registration of new NGOs - has achieved little progress to date. This is primarily due to the fact that the ("new/old") NGOs have been slow to organize themselves to send a team to work out the technical details for their return under new names with the government. However, a team will arrive in Khartoum next week with the USAID Assistant Administrator for DCHA for meetings with senior government officials. USAID has worked to expedite future registration processes by compiling lists of international staff who have previously worked in Sudan - staff that new organizations could employ in the event that new NGOs register to work in Darfur. While little progress has been achieved in addressing gaps in assistance through the registration of new NGOs to work in Sudan, UN agencies and NGOs remaining in Sudan have made significant strides in meeting the immediate needs of affected populations.

¶12. (SBU) In Darfur, the UN, GNU ministries, and NGOs have expanded areas of operation to address critical gaps in assistance following the early March NGO expulsions, including in the health, nutrition, and water, sanitation, and hygiene sectors, as well as in the provision of food aid. According to the UN, as of April 22, approximately 460,000 people remained without health services, compared to approximately one million immediately following the

expulsions. As organizations expand areas of operation and UN agencies seek new NGO partners, the space for new organizations to implement humanitarian programs has significantly diminished. For instance, the UN World Food Program (WFP) is in negotiations with remaining NGOs to try and address gaps in food distributions, which constitute approximately 40 percent of the total food distributions prior to the expulsions. This is part of a natural reorganization of contracts and capacity following the expulsion of the 13 INGOs, and is to be expected.

¶13. (SBU) In addition to expanding programs in expelled NGOs' areas of operation, WFP and other UN agencies have hired national staff from expelled NGOs to expand capacity. According to SC/US, as of April 27, WFP had employed 28 of the 100 former SC/US national staff previously involved in food distributions. However, in meetings with USAID field staff, WFP representatives were eager to note that WFP had hired former NGO staff only under short-term contracts in order to complete the emergency one-off food distributions in the areas previously covered by the expelled NGOs. As a result, SC/US and CARE representatives noted that new NGOs could easily pick up the majority of expelled NGOs' former teams if conducted quickly.

¶14. (SBU) The quick action of the UN, GNU ministries, and remaining NGOs has averted a more significant crisis in Darfur and provided for the immediate needs of the population since the expulsions. However, to continue to meet the population's needs and address gaps, it is important that the new NGOs are permitted to register in Darfur.

¶15. (SBU) In contrast, the expulsions potentially will have more serious consequences in the Three Areas. USAID notes that humanitarian programs are largely continuing in Sudan People's Liberation Movement (SPLM) areas of administration in Abyei, Southern Kordofan, and Blue Nile; however, the expulsions have negatively affected USAID/Sudan's recovery and development projects in the Three Areas. Prior to the expulsions, the majority of USAID

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partners implemented a significant number of programs in SPLM-controlled parts of the Three Areas, which have been historically under-developed and marginalized and have had the most significant humanitarian and development needs. Following the expulsions, the majority of organizations have been able to continue implementing humanitarian programs without interruption in SPLM areas, and most expelled NGOs are shifting the management of their Three Areas programs to Juba in Southern Sudan. On April 27, SC/US reported that programs have been able to continue in SPLM-controlled areas since early March and all SC/US program assets remain at the organization's premises. Previously, SC/US reported that state security officials from Kadugli, the Southern Kordofan State capital, attempted to seize the NGOs' assets in localities under SPLM administration following the expulsions. However, local officials and communities prevented the seizures.

¶15. (SBU) USAID/Sudan's BRIDGE program and USAID partner PADCO-AECOM's programs in the Three Areas have been significantly affected by the expulsions. USAID/Sudan's BRIDGE program is a three-year development assistance program with the primary goal of building local government capacity to plan for and provide basic services to constituents. In mid-March, the Government of Southern Sudan assured expelled NGOs that the organizations were still welcome to implement programs in Southern Sudan and the former SPLM-held areas of Southern Kordofan and Blue Nile states, as well as in Abyei. However, implementing USAID development programs, particularly the BRIDGE, only in SPLM-held areas may not be as viable as it is for humanitarian programs, which are mainly focused in SPLM-controlled areas of the Three Areas. While many NGOs involved in implementing the BRIDGE program remain in Sudan and are continuing work, due to the expulsions, the program has lost valuable time during the critical dry season period, and will be challenged to produce the results originally intended for the first year of the program.

¶16. (SBU) Prior to the early March expulsions, USAID partner PADCO-AECOM was implementing activities in SPLM and NCP-held areas of Southern Kordofan and Blue Nile states, as well as Abyei. Many

of these activities were high profile, small-scale infrastructure projects that had long been promised to people in the Three Areas as peace dividends under the 2005 Comprehensive Peace Agreement (CPA). These projects now lie uncompleted, a visible sign to the communities that the promises of the CPA are not being fulfilled in this important period prior to elections and popular consultations leading up to the referendum. Given the critical challenges in the Three Areas and the importance of these projects to maintaining peace and stability in the area, it is important that new organizations register in Sudan to begin these projects immediately.

COMMENT

¶17. (SBU) While the Sudanese government appears to have taken some positive steps in fulfilling commitments under the Special Envoy's early April framework, aid workers in Sudan have only just begun to see tangible impacts from the decree. In order to more concretely improve the operating environment in Sudan and establish some measure of trust between NGOs and the government, the Sudanese government must fully comply with and implement its commitments. While the UN, GNU ministries, and remaining NGOs have worked to address gaps in assistance, the immediate registration of new (and "new/old") NGOs would help meet the needs of affected populations in northern Sudan - and especially in the Three Areas. Post continues to closely monitor the Sudanese government's compliance with the framework in coordination with the UN and other agencies.

FERNANDEZ